

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

DAVID BILES,

Petitioner,

v.

4:05-cv-78

HOWARD CARLTON, Warden,

Respondent.

MEMORANDUM AND ORDER

David Biles ("Biles") has filed this petition for the writ of habeas corpus pursuant to 28 U.S.C. § 2254. Although Biles is a state prisoner, he refers to his federal criminal conviction and life sentence in *State v. Biles*, Criminal Action No. 4:02-cr-51 (E.D. Tenn. May 19, 2003) (entry of judgment). He also refers to his conviction as a habitual offender and alleges that a state charge was enhanced to a federal conviction. Thus, it is not clear from the petition whether Biles is challenging a state conviction or his federal conviction. In addition, it appears that either challenge would be time-barred.

For the foregoing reasons, the Clerk is **DIRECTED** to serve copies of the petition and this Memorandum and Order upon the respondent and the Attorney General for The State of Tennessee. The Attorney General is **ORDERED** to inform this court, within thirty (30) days from the date of this Memorandum and Order, of Biles' status as a state prisoner and the state conviction(s) he is presently serving.

E N T E R:

s/ James H. Jarvis
United States District Judge